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APPLICATION NO. 097700,475	FILING DATE 01/11/01	FIRST NAMED INVENTOR EVANS	ATTORNEY DOCKET NO. PQC-199US
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IM52/0919

EXAMINER ALVO, M

ART UNIT 1731	PAPER NUMBER
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DATE MAILED: 09/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 09/700,475

Applicant(s) EVANS ET AL.

Examiner

Steve Alvo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over SIMINOSKI et al or ROBITAILLE.

The composition of SIMINOSKI et al or ROBITAILLE is the same as that claimed. The term "for use in" does not have probative weight in a product claim. Any difference in percentages would have been an obvious as it is well known to optimize the brightening of pulp by varying the ratios of the composition depending upon the type of pulp being brightened.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-20 are rejected under 35 U.S.C. 103(a) as obvious over EP 622 491 in view of ROBITAILLE in view of Australian Patent 567,787 or SINGH (The Bleaching of Pulp) with or without the ADMITTED PRIOR ART, Specification, page 1, line 23 to page 2, line 13 and page 7, lines 30-35).

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ROBITAILLE teaches everything except does indicate the amount of lignin in the pulp, e.g. does not indicate whether mechanical (greater than 20% lignin) or chemical (less than 5% lignin). Australian Patent 567,787 teaches peroxide bleaching with magnesium and silicate in a similar manner as ROBITAILLE and teaches that the bleaching liquor could be used to bleach chemical pulp. It would have been obvious to one of ordinary skill in the art to use the bleaching and brightening composition of ROBITAILLE to bleach chemical pulp as such is taught by Australian Patent 567,787. Or SINGH teaches that Kraft pulp can be bleached CEDPD bleach sequence. It would have been obvious that the pulp of ROBITAILLE is Kraft chemical pulp as it is being bleached in a conventional sequence that is used to bleach chemical pulp, e.g. not mechanical pulp. If necessary it would have been obvious that the peroxide sequence of ROBITAILLE is being used to bleach chemical pulp as the ADMITTED PRIOR ART teaches that chlorine dioxide darkens pulp (page 2, lines 10-13) and thus the sequence of ROBITAILLE would not be appropriate to bleach mechanical pulp. If necessary the ADMITTED PRIOR ART teaches that chemical pulp has a lignin content of less than 5%. Obviously the chemical pulp of ROBITAILLE and/or Australian Patent 567,787 and/or SINGH would contain less than 5% lignin. Claim 18 is rejected as ROBITAILLE teaches that the peroxide stage could be the final bleach stage, see page 168, column 3. As taught by the ADMITTED PRIOR ART the pulp before the last bleaching (brightening) stage has a lignin content of 1-2%. Obviously the lignin content before the final peroxide stage of ROBITAILLE would contain 1-2% as taught by the ADMITTED PRIOR ART.

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Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over ROBITAILLE in view of Australian Patent 567,787 or SINGH with or with the ADMITTED PRIOR ART as applied to claim 8 above, and further in view of TIBBLING et al.

TIBBLING et al teaches increases the peroxide bleaching of chemical pulp by conducting the peroxide bleaching under oxygen gas pressure. It would have been obvious to increase the peroxide bleaching of ROBITAILLE by adding oxygen under pressure as such is taught by TIBBLING et al.

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Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is **(703) 308-2048**. The Examiner can normally be reached on Monday - Friday from **6:00 AM - 2:30 PM (EST)**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stanley Silverman, can be reached on 703-308-3837.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is **(703) 308-0661**.

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MSA
September 18, 2001



STEVE ALVO
PRIMARY EXAMINER
ART UNIT 1731